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MAILED
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OFFICE OF PETITIONS

In re Patent No. 7,457,780	:	DECISION ON PETITION
Issue Date: November 25, 2008	:	UNDER 37 CFR 1.78(a)(3)
Application No. 10/799,653	:	AND REQUEST FOR
Filed: March 15, 2004	:	CERTIFICATE OF CORRECTION
Attorney Docket No.	:	

This is a decision on the petition, filed June 12, 2009, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to non-provisional Application No. 09/244,050, filed February 4, 1999, by way of a certificate of correction.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment presented in the Certificate of Correction is unacceptable as presented because application 09/618,552 does not claim benefit to application no. 09/244,050.

As authorized, the \$1,410 surcharge fee, as well as the \$100 certificate of correction fee, will be charged to petitioner's credit card.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and the certificate of corrections must be submitted.

Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning this application should be directed to the Technology Center.

/dab/
David Bucci
Petitions Examiner
Office of Petitions